

In the Matter of Merchant Mariner's Document No. Z-305346
Issued to: DIOSDADO ALIBANG

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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DIOSDADO ALIBANG

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 30 July, 1951, an Examiner of the United States Coast Guard at Honolulu, T. H., revoked Merchant Mariner's Document No. Z-305346 issued to Diosdado Alibang upon finding him guilty of incompetence based upon a specification alleging in substance that while serving as ordinary seaman on board the American SS LURLINE under authority of the document above described, on or about 2 July, 1951, while said vessel was in the port of Los Angeles, California, he "wrongfully used a narcotic drug; to wit, cocaine."

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled, the seriousness of the alleged offense, and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made his opening statement which included reference to the admission by Appellant, during the course of the investigation, that he had been given an injection of cocaine arranged through a Mexican contact man. Appellant offered no evidence in defense, and his only statement was that the offense was committed while he was ashore in San Pedro and not on the ship.

At the conclusion of the hearing, the Examiner announced his findings and concluded that the charge had been proved by plea and entered the order revoking Appellant's Merchant Mariner's Document No. Z-305346 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is requested that clemency be granted in view of Appellant's prior clear record during seven years at sea, his inability to otherwise adequately support his family, and because he has no intent or desire to use narcotics in the future.

Based upon my examination of the Record submitted, I hereby make the following

FINDINGS OF FACT

On 2 July, 1951, Appellant was in the service of the American SS LURLINE and acting under authority of his Merchant Mariner's Document No. Z-305346 in the capacity of ordinary seaman while the ship was in the port of Los Angeles, California.

On this date, while ashore in San Pedro, Appellant contacted a Mexican and as a result of arrangements made with the Mexican, Appellant received an injection of cocaine while he was in a pool hall in San Pedro.

OPINION

A review of the record discloses no doubt as to the proof of the alleged offense. It was proven by Appellant's admission and his plea of "guilty" to the use of cocaine. Throughout the hearing, the Examiner emphasized the seriousness of the charge and the well established policy of revocation of all documents in such cases. Whether the offense was committed while Appellant was physically present aboard the ship on which he was serving at the time is of no significance in a case involving any association with narcotics. No clemency, based upon the individual hardship to this seaman and his family, can be granted because of the great danger which his presence aboard American merchant marine vessels would impose upon many other seamen as well as the property of shipowners.

ORDER

The order of the Examiner dated 30 July, 1951, should be, and it is AFFIRMED.

Merlin O'Neill

Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 18th day of September, 1951.